

REMARKS

The Official Action mailed July 18, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on February 1, 2001, September 30, 2002, and October 28, 2002.

Claims 1-14 and 42-53 are pending in the present application. Independent claims 1, 5, 7, 11, 42, 46, and 50 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1-14 and 42-53 as anticipated by U.S. Patent No. 5,858,822 to Yamazaki et al. The Official Action rejects claims 1-9, 11-13, 42-44, and 50-52 as anticipated by U.S. Patent 6,215,595 to Yamazaki et al. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Yamazaki '822 and '595 do not teach all the elements of the independent claims, as amended, either explicitly or inherently. The independent claims have been amended to recite a reflector for reflecting and splitting a laser beam, which is described at least in Figs. 1A and 1B of the present specification.

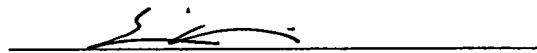
The Official Action asserts that Yamazaki '822 teaches "a beam homogenizer comprising two reflectors (D2 in Figs. 7A-7B; and b and c in Figs. 8A-8B)" (page 2, Paper No. 13). The Official Action also asserts that Yamazaki '595 teaches "a beam

homogenizer comprising two reflectors (103, 104, 604, and 605) ... (Figs. 1A-1B and 6A-6B)" (page 3, Id.). In Yamazaki '822, it does not appear that fly-eye lens D2 in Figs. 7A-7B; and fly-eye lenses b and c in Figs. 8A-8B reflect a laser beam. Similarly, in Yamazaki '595, it does not appear that homogenizers 103, 104, 604 and 605 reflect a laser beam. Therefore, the Applicant respectfully submits that Yamazaki '822 and '595 do not teach a reflector for reflecting and splitting a laser beam.

Since Yamazaki '822 and '595 do not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102(b) and (e) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,


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